

FILED

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAY 22 2008

David Davis and Page Gearhart-Davis
PRO SE,

Case Number: **C 07-03365 EDL**

Plaintiff(s),

CERTIFICATE OF SERVICE

VS.

Clearlake Police Department

Defendant(s)

I, the undersigned, hereby certify that I am over the age of eighteen and not a party to the above entitled action.

That on 5/20/08, I served a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail.

Low, Ball & Lynch
505 Montgomery Street, 7th Floor
San Francisco, CA 94111



1 DAVID DAVIS and PAGE GEARHART-DAVIS
2 PRO SE
3 PO BOX 3225
CLEARLAKE, CA 94522
(707) 995-0749

4
5 IN THE UNITED STATES DISTRICT

6 THE NORTHERN DISTRICT OF CALIFORNIA

7 SAN FRANCISCO DIVISION

8
9 DAVID DAVIS and PAGE GEARHART-DAVIS, Case No.: C 07-03365 EDL
10 Plaintiff(s),
11 vs.
12 CLEARLAKE POLICE DEPARTMENT,
13 Defendant(s)

REQUEST FOR ADMISSION TO DEFENDANT(S)
CLEARLAKE POLICE DEPARTMENT -
SET ONE

14
15 Propounding Party: Plaintiff(s) David Davis & Page Gearhart-Davis

16 Responding Party: Defendant(s) City of Clearlake

17 **INTRODUCUTION**

18 It is hereby requested that you admit or deny under oath within thirty
19 days, pursuant to Federal Rules of Civil Procedure, Rule 3, the following
20 requests for admission.

21 As a general rule, within 30 days after you are served with these
22 requests, you must serve your response on the asking party and serve copies
23 of the responses on all other parties to the action who have appeared.

24 A matter is admitted unless, within 30 days after being served, the
25 party to whom the request is directed serves on the requesting party a

1 written answer or objection addressed to the matter and signed by the party
2 or its attorney.

3 If a matter is not admitted, the answer must specifically deny it or state in
4 detail why answering party cannot truthfully admit or deny it. A denial,
5 must fairly respond to the substance of the matter; and when good faith
6 requires that a party qualify an answer or deny only a part of a matter, the
7 answer must specify the part admitted and qualify or deny the rest. The
8 answering party may assert lack of knowledge or information as a reason for
9 failing to admit or deny only if the party states that it has made reasonable
10 inquiry and that the information it knows or can readily obtain is
11 insufficient to enable it to admit or deny.

12 The grounds for objecting to a request must be stated. A party must
13 not object solely on the ground that the request presents a genuine issue for
14 trial.

15 **DEFINITIONS**

16 The following words in these interrogatories are defined as follows:

- 17 1. INCIDENT includes the circumstances and events surrounding the alleged
accident, injury or other occurrence or breach of contract giving rise
to this action or proceeding.
- 20 2. YOU OR ANYONE ACTING ON YOUR BEHALF includes you (responding party
listed above), your agents, your employees, your insurance companies,
their agents, their employees, your attorneys, your accountants, your
investigators, and anyone else acting on your behalf.
- 24 3. PERSON includes a natural person, firm, association, organization,
partnership, business, trust, corporation, or public entity.

1 4. DOCUMENT means a writing, as defined in Evidence Code section 250, and
2 includes the original or a copy of handwriting, typewriting, printing,
3 photostating, photographing, and every other means of recording upon
4 any tangible thing or form of communicating or representation,
5 including letters, words, pictures, sounds, or symbols, or combinations
6 of them.

7 5. ADDRESS means the street address, including the city, state, and zip
8 code.

9 6. IDENTIFY, when used with respect to a PERSON, means to provide that
10 PERSON'S present name, ADDRESS, and telephone number.

11 7. IDENTIFY, when used with regard to a DOCUMENT, means to describe the
12 DOCUMENT, including enough detail with regard to its title (if any) and
13 contents to give a third party who is unfamiliar with the DOCUMENT
14 information sufficient to isolate that DOCUMENT from other DOCUMENTS
15 and to give the third party a general idea regarding the form and
16 contents of the DOCUMENT.

17 8. IDENTIFY, when used with regard to claim, means to provide the claim
18 number, a brief statement of the claim sufficient to give a third party
19 who is unfamiliar with the claim a general idea regarding the subject
20 of the claim, the amount of damages claimed, the date upon which the
21 claim was made, the identity of the person to whom the claim was made,
22 and the identity of the person by whom the claim was made.

23 **REQUESTS FOR ADMISSION**

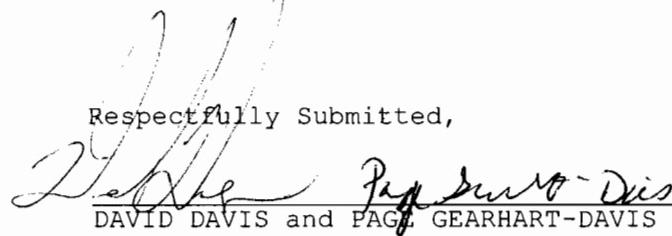
24 1. Request No. 1: Admit that YOU have no audio from 8-2-06,
25 Case#6080206.

- 1 2. Request No. 2: Admit that YOU have no video from 8-2-06,
2 Case#6080206.
- 3 3. Request No. 3: Admit that YOU have no dispatch record check from 8-2-
4 06 pertaining to Ticket#49299, Case#6080206.
- 5 4. Request No. 4: Admit that YOU have no video from 8-3-06,
6 Case#6080302.
- 7 5. Request No. 5: Admit that YOU have no audio from 9-27-06,
8 Case#60927062.
- 9 6. Request No. 6: Admit that YOU have no video from 9-27-06,
10 Case#60927062.
- 11 7. Request No. 7: Admit that YOU have no dispatch record check from 9-
12 27-06 pertaining to Ticket#52021, Case#60927062.
- 13 8. Request No. 8: Admit that YOU have no dispatch record check from 9-
14 27-06 pertaining to Ticket#52022, Case#60927062.
- 15 9. Request No. 9: Admit that YOU have no audio from 12-27-06 pertaining
16 to Ticket#52310.
- 17 10. Request No. 10: Admit that YOU have no video from 12-27-06 pertaining
18 to Ticket#52310.
- 19 11. Request No. 11: Admit that YOU have no dispatch record check from 12-
20 27-06 pertaining to Ticket#52310.
- 21 12. Request No. 12: Admit that YOU have Page Davis documented in your
22 Clearlake Police Department Person Record as ANTI LAW ENFORCEMENT.
- 23 13. Request No. 13: Admit that in Clearlake Police Department's
24 Investigation IA#01-12-07/90 it stated that the audio Sgt. Celli took
25 on 1-17-07 was downloaded to a CD which was then placed in IA#01-12-
 07/90 file.

1 14. Request No. 14: Admit that prior to June 21, 2007 Clearlake Police
2 Officers whom were in training were allowed to ride by themselves in
3 their own Clearlake Police Patrol Cars with no working audio or video.

4
5 Dated this May 20, 2008

6 Respectfully Submitted,

7 
8 DAVID DAVIS and PAGE GEARHART-DAVIS

1 DAVID DAVIS and PAGE GEARHART-DAVIS
2 PRO SE
3 PO BOX 3225
CLEARLAKE, CA 94522
(707) 995-0749

4
5 IN THE UNITED STATES DISTRICT

6 THE NORTHERN DISTRICT OF CALIFORNIA

7 SAN FRANCISCO DIVISION

8
9 DAVID DAVIS and PAGE GEARHART-DAVIS,

Case No.: C 07-03365 EDL

10 Plaintiff(s),

MOTION TO SHORTEN TIME FOR REONSE TO
REQUEST FOR ADMISSION

11 vs.

12 CLEARLAKE POLICE DEPARTMENT,

13 Defendant(s)

14
15 The Plaintiff(s) to the above-entitled action jointly submit this Motion

16 To Shorten Time For Response to Request for Admission.

17 On May 19, 2008 Plaintiff Page Gearhart-Davis spoke with Defendant(s)

18 counsel Dirk Larsen regarding Plaintiff(s) submission of Request for

19 Admission. Plaintiff asked Defendant(s) counsel Dirk Larson about shortening

20 the time for Defendant(s) response to two weeks because of the upcoming

21 Settlement Conference on June 6, 2008. Dirk Larsen stated that he could not

22 commit to shortening the time for Defendant(s) response.

23 In Defendant(s) Response to Plaintiff(s) Request for Production of

24 Documents, Set One Defendant(s) with regard to dispatch stated: Responding

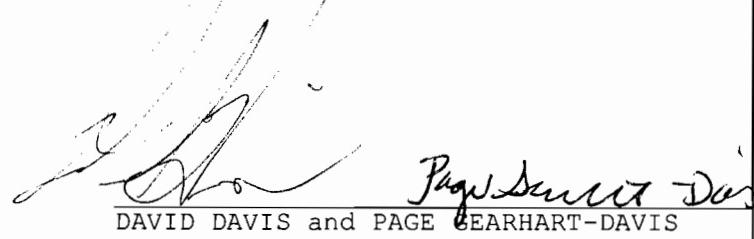
25 party will produce responsive documents.

1 In Defendant(s) Supplemental Response to Plaintiff(s) Request for
2 Production of Documents with regard to request for dispatch Defendant(s)
3 stated: After a reasonable search and diligent inquiry, no documents were
4 found in the police files pertaining to this request that has not already
5 been produced pursuant to FRCP 26. The only dispatch record pertinent to
6 this request would be part of the court file which is in possession of the
7 County of Lake Court Records. Then in Defendant(s) 2nd Supplemental Response
8 to Plaintiff(s) Request for Production of Documents Defendant(s) Defendant(s)
9 stated: After reasonable search and diligent inquiry, no documents were found
10 in the police files pertaining to this request that has not already been
11 produced pursuant to FRCP 26. In Plaintiffs request they ask for the
12 "dispatch" record on the traffic citation, but the only record of the traffic
13 citation would be the court file which is in possession of the County of Lake
14 Court Records. There is no other "dispatch" record in the possession of the
15 defendants. Defendant(s) only submitted dispatch from 8-3-06 with their
16 Initial Disclosures and when defendant contacted County of Lake Court Records
17 we were told dispatch information was kept with the issuing agency. After
18 Plaintiff(s) filed Motion to Compel Production of Withheld Documents
19 Defendant now state they didn't understand what dispatch record meant.

20 At this point Plaintiff(s) have been given every excuse except the truth
21 in regards to dispatch record check. Plaintiff(s) ask the court to shorten
22 the time for Defendant(s) to answer Plaintiff(s) Request for Admission to two
23 weeks from proof of service so they can finally receive the truth instead of
24 excuse. Plaintiff(s) also requests the court not to schedule a hearing date
25 for this motion rather to either shorten the time or deny the request.

1
2 Dated this 20th day of May, 2008

3 Respectfully Submitted,

4
5 
6 DAVID DAVIS and PAGE GEARHART-DAVIS

1 DAVID DAVIS and PAGE GEARHART-DAVIS
2 PRO SE
3 PO BOX 3225
CLEARLAKE, CA 94522
(707) 995-0749

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5 IN THE UNITED STATES DISTRICT

6 THE NORTHERN DISTRICT OF CALIFORNIA

7 SAN FRANCISCO DIVISION

8
9 DAVID DAVIS and PAGE GEARHART-DAVIS, Case No.: C 07-03365 EDL

10 Plaintiff(s),

11 vs.

12 CLEARLAKE POLICE DEPARTMENT,

13 Defendant(s)

14
15 DECLARATION OF DAVID DAVIS AND PAGE
GEARHART DAVIS, IN SUPPORT TO MOTION
TO SHORTEN TIME FOR REONSENCE TO REQUEST
FOR ADMISSION

16 We, David Davis and Page Gearhart-Davis, declare as follows:

17 1. We have personal knowledge of the following facts, and could and would
testify competently thereto if called upon to do so.

18 2. On March 14, 2008 Defendant(s) said they would produce responsive
documents with regard to our request for dispatch record check. Exhibit A
(Response 7-13)

19
20 3. On March 25, 2008 and April 25, 2008 Defendant(s) said no documents were
found in the police files pertaining to this request that had not already
been produced and the only dispatch record request would be found in the
County of Lake Records. Exhibit B & C (Response 7-13)

1 4. On April 22, 2008 Defendant(s) said they previously misunderstood what
2 we meant by "dispatch record" check. They also said we mistakenly
3 believed that Lake County Court would have "dispatch records". Exhibit C

4 5. On April 1, 2008 Plaintiff Page Gearhart-Davis was told by Marlene at
5 Lake County Court Records and Kathleen at Lake County Superior Court
6 Traffic Division that all dispatch records would be kept with the issuing
7 agency.

8 6. In open court on May 13, 2008 Dale Allen stated that the recording Sgt.
9 Celli allegedly took on January 17, 2008 was a personal recording that his
10 clients were still looking for. In Clearlake Police Departments
11 Investigation IA#01-12-07/90 Mike Herman stated that the audio recording
12 was attached to the investigation. Exhibit D

13
14 We swear under penalty of perjury under the laws of the State of
15 California that the foregoing is true and correct.

16
17 Executed this 20th day of May, 2008, in Clearlake, California

18
19
20 ,
21 
22
23
24
25

1 DALE L. ALLEN, JR., # 145279
2 DIRK D. LARSEN, #246028
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4 505 Montgomery Street, 7th Floor
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6 Telephone (415) 981-6630
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8 Attorneys for Defendant
9 CITY OF CLEARLAKE
10 (erroneously named herein as CLEARLAKE POLICE DEPARTMENT)

11
12 IN THE UNITED STATES DISTRICT COURT FOR
13 THE NORTHERN DISTRICT OF CALIFORNIA
14
15 SAN FRANCISCO DIVISION

16 DAVID DAVIS and PAGE GEARHART-DAVIS) Case No. C 07-03365 EDL
17 PRO-SE,)
18 Plaintiffs,) DEFENDANT CITY OF
19 vs.) CLEARLAKE'S RESPONSE TO
20 CLEARLAKE POLICE DEPARTMENT,) PLAINTIFFS' REQUEST FOR
21 Defendants.) PRODUCTION OF DOCUMENTS,
22) SET ONE
23)
24)
25)
26)
27)
28)

PROPOUNDING PARTIES: Plaintiffs DAVID DAVIS and PAGE GEARHART-DAVIS

RESPONDING PARTY: Defendant CITY OF CLEARLAKE

SET NO.: ONE

PRELIMINARY STATEMENT

The following responses herein are based upon information known by the responding party at this time following a reasonable and good faith effort to obtain such information. Responding party has not completed their investigation of the facts relating to this case. There may be additional persons having knowledge of facts or records containing information which are presently unknown to responding party. Accordingly, additional or different information may be discovered and received which may require the answers and responses to be changed and/or supplemented.

1 RESPONSE TO REQUEST NO. 1:

2 Responding party will produce responsive documents.

3 RESPONSE TO REQUEST NO. 2:

4 Responding party will produce responsive documents.

5 RESPONSE TO REQUEST NO. 3:

6 Responding party will produce responsive documents.

7 RESPONSE TO REQUEST NO. 4:

8 Responding party will produce responsive documents.

9 RESPONSE TO REQUEST NO. 5:

10 Responding party will produce responsive documents.

11 RESPONSE TO REQUEST NO. 6:

12 Responding party will produce responsive documents.

13 RESPONSE TO REQUEST NO. 7:

14 Responding party will produce responsive documents.

15 RESPONSE TO REQUEST NO. 8:

16 Responding party will produce responsive documents.

17 RESPONSE TO REQUEST NO. 9:

18 Responding party will produce responsive documents.

19 RESPONSE TO REQUEST NO. 10:

20 Responding party will produce responsive documents.

21 RESPONSE TO REQUEST NO. 11:

22 Responding party will produce responsive documents.

23 RESPONSE TO REQUEST NO. 12:

24 Responding party will produce responsive documents.

25 RESPONSE TO REQUEST NO. 13:

26 Responding party will produce responsive documents.

27 RESPONSE TO REQUEST NO. 14:

28 Objection. This request seeks to obtain information protected by the privacy rights of Ronald

1 Larson, and possibly other individuals, as guaranteed by the California and U.S. Constitutions, as well as
 2 applicable privileges. Without waiving this objection, responding party will prepare the documents with
 3 the applicable objections and submit them to the above-entitled court for in camera review. Following
 4 such review, responding party will produce the documents ordered by the court to be produced, subject
 5 to a protective order requiring their use only in the underlying action and their return or destruction at the
 6 conclusion of the action.

7 RESPONSE TO REQUEST NO. 15:

8 Objection. This request seeks to obtain information protected by the privacy rights of Officer
 9 Klausen, and possibly other individuals, as guaranteed by the California and U.S. Constitutions, as well
 10 as applicable privileges. Without waiving this objection, responding party will prepare the documents
 11 with the applicable objections and submit them to the above-entitled court for in camera review.
 12 Following such review, responding party will produce the documents ordered by the court to be
 13 produced, subject to a protective order requiring their use only in the underlying action and their return
 14 or destruction at the conclusion of the action.

15 RESPONSE TO REQUEST NO. 16:

16 Objection. This request seeks to obtain information protected by the privacy rights of Mike
 17 Herman, and possibly other individuals, as guaranteed by the California and U.S. Constitutions, as well
 18 as applicable privileges. Without waiving this objection, responding party will prepare the documents
 19 with the applicable objections and submit them to the above-entitled court for in camera review.
 20 Following such review, responding party will produce the documents ordered by the court to be
 21 produced, subject to a protective order requiring their use only in the underlying action and their return
 22 or destruction at the conclusion of the action.

23 RESPONSE TO REQUEST NO. 17:

24 Objection. This request seeks to obtain information protected by the privacy rights of responding
 25 party's past or present employees, and possibly other individuals, as guaranteed by the California and
 26 U.S. Constitutions, as well as applicable privileges. Without waiving this objection, responding party
 27 will prepare the documents with the applicable objections and submit them to the above-entitled court
 28 for in camera review. Following such review, responding party will produce the documents ordered by

1 the court to be produced, subject to a protective order requiring their use only in the underlying action
2 and their return or destruction at the conclusion of the action.

3 **RESPONSE TO REQUEST NO. 18:**

4 Objection. This request seeks to obtain information protected by the privacy rights of responding
5 party's past or present employees, and possibly other individuals, as guaranteed by the California and
6 U.S. Constitutions, as well as applicable privileges. Without waiving this objection, responding party
7 will prepare the documents with the applicable objections and submit them to the above-entitled court
8 for in camera review. Following such review, responding party will produce the documents ordered by
9 the court to be produced, subject to a protective order requiring their use only in the underlying action
10 and their return or destruction at the conclusion of the action.

11 **RESPONSE TO REQUEST NO. 19:**

12 Objection. This request seeks to obtain information protected by the privacy rights of Robert
13 Chalk, and possibly other individuals, as guaranteed by the California and U.S. Constitutions, as well as
14 applicable privileges. Without waiving this objection, responding party will prepare the documents with
15 the applicable objections and submit them to the above-entitled court for in camera review. Following
16 such review, responding party will produce the documents ordered by the court to be produced, subject
17 to a protective order requiring their use only in the underlying action and their return or destruction at the
18 conclusion of the action.

19 **RESPONSE TO REQUEST NO. 20:**

20 Objection. This request seeks to obtain information protected by the privacy rights of Ronald
21 Larson, and possibly other individuals, as guaranteed by the California and U.S. Constitutions, as well as
22 applicable privileges. Without waiving this objection, responding party will prepare the documents with
23 the applicable objections and submit them to the above-entitled court for in camera review. Following
24 such review, responding party will produce the documents ordered by the court to be produced, subject
25 to a protective order requiring their use only in the underlying action and their return or destruction at the
26 conclusion of the action.

27 **RESPONSE TO REQUEST NO. 21:**

28 Objection. This request seeks to obtain information protected by the privacy rights of Timothy

1 Celli, and possibly other individuals, as guaranteed by the California and U.S. Constitutions, as well as
2 applicable privileges. Without waiving this objection, responding party will prepare the documents with
3 the applicable objections and submit them to the above-entitled court for in camera review. Following
4 such review, responding party will produce the documents ordered by the court to be produced, subject
5 to a protective order requiring their use only in the underlying action and their return or destruction at the
6 conclusion of the action.

7 **RESPONSE TO REQUEST NO. 22:**

8 Objection. This request seeks to obtain information protected by the privacy rights of Mike
9 Herman, and possibly other individuals, as guaranteed by the California and U.S. Constitutions, as well
10 as applicable privileges. Without waiving this objection, responding party will prepare the documents
11 with the applicable objections and submit them to the above-entitled court for in camera review.
12 Following such review, responding party will produce the documents ordered by the court to be
13 produced, subject to a protective order requiring their use only in the underlying action and their return
14 or destruction at the conclusion of the action.

15 **RESPONSE TO REQUEST NO. 23:**

16 Objection. This request seeks to obtain information protected by the privacy rights of Timothy
17 Hobbs, and possibly other individuals, as guaranteed by the California and U.S. Constitutions, as well as
18 applicable privileges. Without waiving this objection, responding party will prepare the documents with
19 the applicable objections and submit them to the above-entitled court for in camera review. Following
20 such review, responding party will produce the documents ordered by the court to be produced, subject
21 to a protective order requiring their use only in the underlying action and their return or destruction at the
22 conclusion of the action.

23 **RESPONSE TO REQUEST NO. 24:**

24 Objection. This request seeks to obtain information protected by the privacy rights of T.W.
25 Miller, and possibly other individuals, as guaranteed by the California and U.S. Constitutions, as well as
26 applicable privileges. Without waiving this objection, responding party will prepare the documents with
27 the applicable objections and submit them to the above-entitled court for in camera review. Following
28 such review, responding party will produce the documents ordered by the court to be produced, subject

1 to a protective order requiring their use only in the underlying action and their return or destruction at the
2 conclusion of the action.

3 RESPONSE TO REQUEST NO. 25:

4 Objection. This request seeks to obtain information protected by the privacy rights of Officer
5 Labbe, and possibly other individuals, as guaranteed by the California and U.S. Constitutions, as well as
6 applicable privileges. Without waiving this objection, responding party will prepare the documents with
7 the applicable objections and submit them to the above-entitled court for in camera review. Following
8 such review, responding party will produce the documents ordered by the court to be produced, subject
9 to a protective order requiring their use only in the underlying action and their return or destruction at the
10 conclusion of the action.

11 RESPONSE TO REQUEST NO. 26:

12 Objection. This request seeks to obtain information protected by the privacy rights of Officer
13 Hardesty, and possibly other individuals, as guaranteed by the California and U.S. Constitutions, as well
14 as applicable privileges. Without waiving this objection, responding party will prepare the documents
15 with the applicable objections and submit them to the above-entitled court for in camera review.
16 Following such review, responding party will produce the documents ordered by the court to be
17 produced, subject to a protective order requiring their use only in the underlying action and their return
18 or destruction at the conclusion of the action.

19
20 Dated: March 14, 2008

21 LOW, BALL & LYNCH

22 By 
23

DALE L. ALLEN, JR.
DIRK D. LARSEN
Attorneys for Defendant
CITY OF CLEARLAKE

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5 Attorneys for Defendant
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6 (erroneously named herein as CLEARLAKE POLICE DEPARTMENT)

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8 IN THE UNITED STATES DISTRICT COURT FOR
9 THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

12 DAVID DAVIS and PAGE GEARHART-DAVIS) Case No. C 07-03365 EDL
13 PRO-SE,)
14 Plaintiffs,) DEFENDANT CITY OF
15 vs.) CLEARLAKE'S
16 CLEARLAKE POLICE DEPARTMENT,) SUPPLEMENTAL RESPONSE TO
) PLAINTIFFS' REQUEST FOR
) PRODUCTION OF DOCUMENTS,
) AND DOCUMENTS PRODUCED

19 PROPOUNDING PARTIES: Plaintiffs DAVID DAVIS and PAGE GEARHART-DAVIS
20 RESPONDING PARTY: Defendant CITY OF CLEARLAKE
21 SET NO.: ONE

PRELIMINARY STATEMENT

The following responses herein are based upon information known by the responding party at this time following a reasonable and good faith effort to obtain such information. Responding party has not completed their investigation of the facts relating to this case. There may be additional persons having knowledge of facts or records containing information which are presently unknown to responding party. Accordingly, additional or different information may be discovered and received which may require the answers and responses to be changed and/or supplemented.

1 RESPONSE TO REQUEST NO. 1:

2 After a reasonable search and diligent inquiry, no documents were located responsive to this
3 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-
4 office memorandum from Nicole Newton of the Records Department concerning the search for audio
5 records.

6 RESPONSE TO REQUEST NO. 2:

7 After a reasonable search and diligent inquiry, no documents were located responsive to this
8 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-
9 office memorandum from Nicole Newton of the Records Department concerning the search for audio
10 records.

11 RESPONSE TO REQUEST NO. 3:

12 After a reasonable search and diligent inquiry, no documents were located responsive to this
13 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-
14 office memorandum from Nicole Newton of the Records Department concerning the search for audio
15 records.

16 RESPONSE TO REQUEST NO. 4:

17 After a reasonable search and diligent inquiry, no documents were located responsive to this
18 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-
19 office memorandum from Nicole Newton of the Records Department concerning the search for audio
20 records.

21 RESPONSE TO REQUEST NO. 5:

22 After a reasonable search and diligent inquiry, no documents were located responsive to this
23 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-
24 office memorandum from Nicole Newton of the Records Department concerning the search for audio
25 records.

26 RESPONSE TO REQUEST NO. 6:

27 After a reasonable search and diligent inquiry, no documents were located responsive to this
28 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-

1 office memorandum from Nicole Newton of the Records Department concerning the search for audio
2 records.

3 RESPONSE TO REQUEST NO. 7:

4 After a reasonable search and diligent inquiry, no documents were found in the police files
5 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
6 record pertinent to this request would be part of the court file which is in possession of the County of
7 Lake Court Records.

8 RESPONSE TO REQUEST NO. 8:

9 After a reasonable search and diligent inquiry, no documents were found in the police files
10 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
11 record pertinent to this request would be part of the court file which is in possession of the County of
12 Lake Court Records.

13 RESPONSE TO REQUEST NO. 9:

14 After a reasonable search and diligent inquiry, no documents were found in the police files
15 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
16 record pertinent to this request would be part of the court file which is in possession of the County of
17 Lake Court Records.

18 RESPONSE TO REQUEST NO. 10:

19 After a reasonable search and diligent inquiry, no documents were found in the police files
20 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
21 record pertinent to this request would be part of the court file which is in possession of the County of
22 Lake Court Records.

23 RESPONSE TO REQUEST NO. 11:

24 After a reasonable search and diligent inquiry, no documents were found in the police files
25 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
26 record pertinent to this request would be part of the court file which is in possession of the County of
27 Lake Court Records.

28 ///

1 RESPONSE TO REQUEST NO. 12:

2 After a reasonable search and diligent inquiry, no documents were found in the police files
3 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
4 record pertinent to this request would be part of the court file which is in possession of the County of
5 Lake Court Records.

6 RESPONSE TO REQUEST NO. 13:

7 After a reasonable search and diligent inquiry, no documents were found in the police files
8 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
9 record pertinent to this request would be part of the court file which is in possession of the County of
10 Lake Court Records.

11 RESPONSE TO REQUEST NO. 14:

12 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
13 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
14 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

15 RESPONSE TO REQUEST NO. 15:

16 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
17 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
18 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

19 RESPONSE TO REQUEST NO. 16:

20 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
21 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
22 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

23 RESPONSE TO REQUEST NO. 17:

24 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
25 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
26 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

27 RESPONSE TO REQUEST NO. 18:

28 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving

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1 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
 2 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

3 RESPONSE TO REQUEST NO. 19:

4 See Exhibit C, attached. After a reasonable search and diligent inquiry, no other documents were
 5 located regarding Robert Chalk.

6 RESPONSE TO REQUEST NO. 20:

7 See Exhibit D, attached. After a reasonable search and diligent inquiry, no other documents were
 8 located regarding Ronald Larsen.

9 RESPONSE TO REQUEST NO. 21:

10 See documents attached as Exhibit E.

11 Responding party objects to the production of "complaints" filed against Timothy Celli as
 12 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,
 13 a complaint was registered against Sgt. Celli on June 8, 2003, involving an off-duty encounter that
 14 involved alcohol. The complainant was of African-American descent; there is no indication that the
 15 complainant's race was a factor in the complained-of conduct.

16 RESPONSE TO REQUEST NO. 22:

17 See Exhibit F, attached. After a reasonable search and diligent inquiry, no other documents were
 18 located regarding Lt. Michael Hermann.

19 RESPONSE TO REQUEST NO. 23:

20 See responsive documents attached as Exhibit G.

21 Responding party objects to the production of "complaints" filed against Tim Hobbs as
 22 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,
 23 the following complaints have been registered against Off. Hobbs in the last 5 years: December 28, 2007
 24 - Rude behavior during a traffic stop. The complainant was of Caucasian descent. May 5, 2007- Verbally
 25 abusive during traffic stop; false arrest and excessive force during arrest. The complainant was of
 26 Caucasian descent. April 26, 2004 - Unprofessional conduct during the investigation of a child custody
 27 dispute.

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1 **RESPONSE TO REQUEST NO. 24:**

2 See responsive documents attached as Exhibit H.

3 Responding party objects to the production of "complaints" filed against T.W. Miller as
4 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,
5 a complaint was registered against Off. Miller on July 30 and August 27, 2007 for discourteous and
6 unprofessional behavior during traffic stops of the same individual, a person of American Indian descent.
7 November 11, 2007- A complaint was registered against Off. Miller for discourteous behavior during
8 investigation of the residence of a registered sex offender. The complainant was of Hispanic descent.

9 **RESPONSE TO REQUEST NO. 25:**

10 See responsive documents attached as Exhibit I.

11 **RESPONSE TO REQUEST NO. 26:**

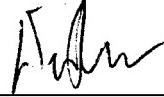
12 See responsive documents attached as Exhibit J.

13 Responding party objects to the production of "complaints" filed against Officer Sarah Hardisty
14 as overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the
15 objection, a complaint was registered against Off. Hardisty on May 22, 2007 for failure to follow police
16 procedures during the investigation of a 911 hang-up.

17
18 **ORIGINAL VERIFICATION TO FOLLOW**

20 Dated: March 14, 2008

21 LOW, BALL & LYNCH

22
23 By 

24 DALE L. ALLEN, JR.
DIRK D. LARSEN
25 Attorneys for Defendant
CITY OF CLEARLAKE

1 DALE L. ALLEN, JR., # 145279
2 DIRK D. LARSEN, #246028
3 LOW, BALL & LYNCH
4 505 Montgomery Street, 7th Floor
5 San Francisco, California 94111-2584
6 Telephone (415) 981-6630
7 Facsimile (415) 982-1634

8 Attorneys for Defendant
9 CITY OF CLEARLAKE
10 (erroneously named herein as CLEARLAKE POLICE DEPARTMENT)

11
12 IN THE UNITED STATES DISTRICT COURT FOR
13 THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 DAVID DAVIS and PAGE GEARHART-DAVIS) Case No. C 07-03365 EDL
16 PRO-SE,)
17 Plaintiffs,) DEFENDANT CITY OF
18 vs.) CLEARLAKE'S 2nd
19 CLEARLAKE POLICE DEPARTMENT,) SUPPLEMENTAL RESPONSE TO
20 Defendants.) PLAINTIFFS' REQUEST FOR
21) PRODUCTION OF DOCUMENTS,
22) AND DOCUMENTS PRODUCED
23)
24)
25)
26)
27)
28)

PROPOUNDING PARTIES: Plaintiffs DAVID DAVIS and PAGE GEARHART-DAVIS

RESPONDING PARTY: Defendant CITY OF CLEARLAKE

SET NO.: ONE

PRELIMINARY STATEMENT

The following responses herein are based upon information known by the responding party at this time following a reasonable and good faith effort to obtain such information. Responding party has not completed their investigation of the facts relating to this case. There may be additional persons having knowledge of facts or records containing information which are presently unknown to responding party. Accordingly, additional or different information may be discovered and received which may require the answers and responses to be changed and/or supplemented.

RESPONSE TO REQUEST NO. 1:

After a reasonable search and diligent inquiry, no documents were located responsive to this request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-office memorandum from Nicole Newton of the Records Department concerning the search for audio records.

RESPONSE TO REQUEST NO. 2:

After a reasonable search and diligent inquiry, no documents were located responsive to this request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-office memorandum from Nicole Newton of the Records Department concerning the search for audio records.

RESPONSE TO REQUEST NO. 3:

After a reasonable search and diligent inquiry, no documents were located responsive to this request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-office memorandum from Nicole Newton of the Records Department concerning the search for audio records.

RESPONSE TO REQUEST NO. 4:

After a reasonable search and diligent inquiry, no documents were located responsive to this request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-office memorandum from Nicole Newton of the Records Department concerning the search for audio records.

RESPONSE TO REQUEST NO. 5:

After a reasonable search and diligent inquiry, no documents were located responsive to this request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-office memorandum from Nicole Newton of the Records Department concerning the search for audio records.

RESPONSE TO REQUEST NO. 6:

After a reasonable search and diligent inquiry, no documents were located responsive to this request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-

1 office memorandum from Nicole Newton of the Records Department concerning the search for audio
2 records.

3 RESPONSE TO REQUEST NO. 7:

4 After a reasonable search and diligent inquiry, no documents were found in the police files
5 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request
6 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation
7 would be the court file which is in possession of the County of Lake Court Records. There is no other
8 "dispatch" record in the possession of the defendants.

9 RESPONSE TO REQUEST NO. 8:

10 After a reasonable search and diligent inquiry, no documents were found in the police files
11 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request
12 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation
13 would be the court file which is in possession of the County of Lake Court Records. There is no other
14 "dispatch" record in the possession of the defendants.

15 RESPONSE TO REQUEST NO. 9:

16 After a reasonable search and diligent inquiry, no documents were found in the police files
17 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request
18 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation
19 would be the court file which is in possession of the County of Lake Court Records. There is no other
20 "dispatch" record in the possession of the defendants.

21 RESPONSE TO REQUEST NO. 10:

22 After a reasonable search and diligent inquiry, no documents were found in the police files
23 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request
24 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation
25 would be the court file which is in possession of the County of Lake Court Records. There is no other
26 "dispatch" record in the possession of the defendants.

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1 RESPONSE TO REQUEST NO. 11:

2 After a reasonable search and diligent inquiry, no documents were found in the police files
 3 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request
 4 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation
 5 would be the court file which is in possession of the County of Lake Court Records. There is no other
 6 "dispatch" record in the possession of the defendants.

7 RESPONSE TO REQUEST NO. 12:

8 After a reasonable search and diligent inquiry, no documents were found in the police files
 9 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request
 10 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation
 11 would be the court file which is in possession of the County of Lake Court Records. There is no other
 12 "dispatch" record in the possession of the defendants.

13 RESPONSE TO REQUEST NO. 13:

14 After a reasonable search and diligent inquiry, no documents were found in the police files
 15 pertaining to this request that has not already been produced pursuant to FRCP 26. In Plaintiffs request
 16 they ask for the "dispatch" record on the traffic citation, but the only other record of the traffic citation
 17 would be the court file which is in possession of the County of Lake Court Records. There is no other
 18 "dispatch" record in the possession of the defendants.

19 RESPONSE TO REQUEST NO. 14:

20 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
 21 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
 22 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56. In supplement,
 23 see attached Exhibit K, a copy of the tape recording of the interview of plaintiff David Davis by Capt.
 24 Larsen.

25 RESPONSE TO REQUEST NO. 15:

26 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
 27 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
 28 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56. In supplement,

1 see attached Exhibit L, a tape recording and photographs of plaintiff David Davis on 8/3/2006.

2 RESPONSE TO REQUEST NO. 16:

3 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
 4 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
 5 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56. In supplement,
 6 see attached Exhibit M, CD-R of recorded interview of plaintiffs on 1/12/2007.

7 RESPONSE TO REQUEST NO. 17:

8 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
 9 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
 10 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56. In supplement,
 11 see exhibit N, recorded interviews of Officers Hobbs, Miller, Hardisty and Sgt. Celli on 8/24/2006.

12 RESPONSE TO REQUEST NO. 18:

13 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
 14 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
 15 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

16 RESPONSE TO REQUEST NO. 19:

17 See Exhibit C, attached. After a reasonable search and diligent inquiry, no other documents were
 18 located regarding Robert Chalk.

19 RESPONSE TO REQUEST NO. 20:

20 See Exhibit D, attached. After a reasonable search and diligent inquiry, no other documents were
 21 located regarding Ronald Larsen.

22 RESPONSE TO REQUEST NO. 21:

23 See documents attached as Exhibit E.

24 Responding party objects to the production of "complaints" filed against Timothy Celli as
 25 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,
 26 a complaint was registered against Sgt. Celli on June 8, 2003, involving an off-duty encounter that
 27 involved alcohol. The complainant was of African-American descent; there is no indication that the
 28 complainant's race was a factor in the complained-of conduct.

1 RESPONSE TO REQUEST NO. 22:

2 See Exhibit F, attached. After a reasonable search and diligent inquiry, no other documents were
3 located regarding Lt. Michael Hermann.

4 RESPONSE TO REQUEST NO. 23:

5 See responsive documents attached as Exhibit G.

6 Responding party objects to the production of "complaints" filed against Tim Hobbs as
7 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,
8 the following complaints have been registered against Off. Hobbs in the last 5 years: December 28, 2007
9 - Rude behavior during a traffic stop. The complainant was of Caucasian descent. May 5, 2007- Verbally
10 abusive during traffic stop; false arrest and excessive force during arrest. The complainant was of
11 Caucasian descent. April 26, 2004 - Unprofessional conduct during the investigation of a child custody
12 dispute.

13 RESPONSE TO REQUEST NO. 24:

14 See responsive documents attached as Exhibit H.

15 Responding party objects to the production of "complaints" filed against T.W. Miller as
16 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,
17 a complaint was registered against Off. Miller on July 30 and August 27, 2007 for discourteous and
18 unprofessional behavior during traffic stops of the same individual, a person of American Indian descent.
19 November 11, 2007- A complaint was registered against Off. Miller for discourteous behavior during
20 investigation of the residence of a registered sex offender. The complainant was of Hispanic descent.

21 RESPONSE TO REQUEST NO. 25:

22 See responsive documents attached as Exhibit I.

23 RESPONSE TO REQUEST NO. 26:

24 See responsive documents attached as Exhibit J.

25 Responding party objects to the production of "complaints" filed against Officer Sarah Hardisty
26 as overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the

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1 objection, a complaint was registered against Off. Hardisty on May 22, 2007 for failure to follow police
2 procedures during the investigation of a 911 hang-up.

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5 Dated: April 21, 2008

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LOW, BALL & LYNCH

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By 
DALE L. ALLEN, JR.
DIRK D. LARSEN
Attorneys for Defendant
CITY OF CLEARLAKE

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**CLEARLAKE POLICE DEPARTMENT
INTEROFFICE MEMORANDUM**

- ① Traffic stop 12/27/06 (not att)
- ② 911 prisioner 1/7/07
- ③ CO of contact by Celli 1/7/07
- ④ Memo by Celli (not att)

DATE: Jan 18/07 **⑤ CO of interview** 1/18/07 (not att)
TO: Chief **⑥ Photos of Celli**

FROM: Sgt.

SUBJECT: _____

Complaint Information:

Complainants: David Davis, DOB 07-08-74
P.O. Box 3225
Clearlake, Ca 95422
(707) 995-0749

Page Davis, DOB 09-27-74
P.O. Box 3225
Clearlake, Ca 95422
(707) 995-0749

Officers Involved:

Sergeant Tim Celli #90

Officer's Representative:

None

Complaint:

On January 12, 2007, I received the attached Personnel Complaint from David and Page Davis. The complaint in itself was vague in nature and only listed that Sgt. Celli had been involved in the following acts: Racial Profiling, Abuse of Authority, Excessive Ticket Writing, Manipulation of Staff, Falsifying Reports and Hate Crimes. Also listed on the complaint form is the following statement "All evidence is available upon investigation". While speaking with them about the complaint, they were unable to provide any detailed information regarding the accusations. They did tell me that they believed Sgt. Celli was manipulating other staff members into harassing them and spoke about prior incidents with him and other officers that had already been investigated (IA

#08-03-06/90/107/132/145).

1-5-07

It should be noted that approximately one week prior to them filing the complaint, I had a conversation with the Davis' in the front interview room of the Clearlake Police Department. At the time, they had initially come to the station to file this personnel complaint against Sgt. Celli. I was aware of the prior complaint filed by Davis against Sgt. Celli and other officers and knew that it surrounded several traffic stops and dealings with him. While speaking with them, it was evident that their "new" complaint involved the same set of circumstances that had already been investigated. They then began speaking about a traffic stop in which they had recently been stopped by Officer Labbe. They "believed" that Officer Labbe was told to stop them and that Sgt. Celli had instructed him to write them a citation. However, they added that they did not have a complaint with Officer Labbe and only against Sgt. Celli. I spent approximately thirty (30) minutes with them discussing the incidents, answering their questions and explaining the procedures for officer complaints and how they are received and investigated. Mr. Davis was also advised that I would need "detailed" information on the premises of the complaint in order to thoroughly investigate it, while adding that I would not re-investigate a prior complaint. At the time, both David and Page Davis stated they understood my explanations and appeared to have no problems. They decided against filing a complaint at the time and asked me to speak with the officers and "request" that they leave them alone.

A few days after the initial contact with them, Page Davis called me and stated that they had decided to go ahead and file the complaint "just to have a record of it". As required, I agreed to take the complaint from her at the time. Due to schedule conflicts (between both theirs and mine) and a priority details, I was unable to actually meet with them until the afternoon of the 12th. However, I had been in constant phone contact with Page up until that point.

Investigation:

Shortly after my first conversation with the Davis', I had spoken with Officer Labbe about the circumstances involving his traffic stop of Page Davis (which occurred on 12-27-06). He told me that he did not even know the vehicle belonged to the Davis' and that he was looking for another unrelated subject at the time. He remembered stopping the vehicle for an obstructed plate and later notifying Sgt. Celli after he realized that the driver was Page Davis and that David Davis was the passenger. Officer Labbe did issue a citation to Mrs. Davis for having the obstructed plate, no registration card, a broken taillight and no proof of insurance. He added that he had also given them a warning for failing to use their turn signal. Officer Labbe told me that Sgt. Celli did arrive as a Cover Officer, but at no time instructed him to stop the vehicle or to write the citation.

During the morning of January 18, 2007 I had received the attached memo from Sgt. Celli who had been advised that this complaint was made. According to the memo, officers had received a 911 hang-up call at the Davis residence during the evening of January 17, 2007 at approximately 2114 hours. Sgt. Celli and Officer Ray responded to the location but did not realize that it was the home of David and Page Davis until they arrived. Sgt. Celli noted that Mr. Davis grabbed his video camera while yelling at the officers and telling them to "get the fuck off his property". Mr. Davis denied that a 911 call had been made and Sgt. Celli decided not to force the issue at the time as no one appeared to be in distress. Sgt. Celli later obtained a copy of the 911 print-out from Central Dispatch which he attached. He also stated that he had activated his audio recorder once he realized that the home belonged to Mr. Davis. He downloaded the recording to a CD which has been placed in this file. I reviewed the print-out of the 911 call and saw that the call

came in at 21:14:34 hours on 01/17/07. The caller ANI (number) was listed as (707)995-0749 which is the listed number belonging to the Davis'.

On January 18, 2007 at approximately 1650 hours, I met with David and Page Davis at their residence in order to obtain a recorded statement from them. The meeting had been pre-arranged so that I could obtain some factual details of the complaint and in order to confirm that it was not still part of the original complaint that had already been investigated. At the beginning of the interview, Mr. Davis told me that officers had come out to his home the night before for a reported 911 call. He denied that a call had been placed and made comments to the fact that he believed the officers had "made it up". He also said that he called the Sheriff's Department and was told that there was "no record" of the call. I advised him that I in fact had a copy of the 911 print-out from Central Dispatch and he responded by saying the cover-up had already begun.

When I turned his attention to his complaint, Mr. Davis told me that he "knew" that Sgt. Celli was in fact a "racist" and that he belonged to a white supremacy group. He was unable to provide any details or proof that Sgt. Celli belonged to a white hate group and refused to identify reported "witnesses" who had "proof". Mr. Davis said that he also knew for a fact that Sgt. Celli had "white power" or "white pride" tattoos on his arms as well. He added that he had seen the tattoos himself when he was thrown down on the ground by Sgt. Celli during a previously reported incident. Mr. Davis then began pulling out citations and a case report that had been prepared by various officers. One citation (#50128) issued by Officer Hobbs on 8-03-06, had a signature that Davis claimed was not his own. He argued that an officer had "forged" his signature and denied ever signing it himself. Along with the citation was a copy of a report prepared by Officer Hobbs (Case #06-2456) which documented the traffic stop and the fact the vehicle was towed. Mr. Davis said the report was his proof that Sgt. Celli had filed a false report. However, the report was prepared by Officer Hobbs and only approved by Sgt. Celli. Mr. Davis argued that "approving" a report was the same as swearing the facts held within were true and correct. Mr. Davis continued by saying that knew that Sgt. Celli was in fact manipulating younger staff members and officers to "do his work".

Mr. Davis then began speaking about Officer Hobbs and saying that he had illegally confiscated a knife from him. He showed me an envelope that was mailed to him with his knife inside of it (Officer Hobbs had apparently taken control of it for safety issues and forgot to initially return it). The knife was returned to Mr. Davis a short time later in the envelope and he acknowledged receipt of it. However, he argued that Officer Hobbs had no legal right to take control of the knife and refused to allow me to explain officer safety issues with him.

Mr. Davis produced a total of five traffic citations and one case report (listed above) while claiming that the citations themselves were proof that he was being harassed. The following is a list of the citations issued along with the dates and primary violation:

- #52021 – issued on 9-27-06 to David Davis for 12500 CVC (incident # 60927062).
- #52310 – issued on 12-27-06 to Page Davis for 5201 VC (incident #61227044).
- #52022 – issued on 9-27-06 to Page Davis for 27803 VC (incident #60927062).
- #49299 – issued on 8-02-06 to David Davis for 4000(a) VC (incident #6080206).
- #50128 – issued on 8-03-06 to David Davis for 27315 (e) VC (60803002)
- Case #06-2456 – Details citation #50128 and vehicle tow on 8-03-06.

It should be noted that on 8-03-06 when Mr. Davis was issued a citation for no seat belt (27315 VC), Page Davis was also issued a citation for driving without a license (Citation #52003) which

was not one of the citations produced by Mr. Davis at the time of this interview. Also not produced by Mr. Davis was the supplemental police report that Officer Hobbs had prepared for Case #06-2456. In the supplemental report, Officer Hobbs details the fact he had found a fixed blade knife in the vehicle during his contact with Mr. Davis on 8-03-06. Officer Hobbs notes that the knife was placed in his patrol vehicle during a vehicle search and that he had intended on returning it to Mr. Davis upon his release from the scene. Officer Hobbs apparently forgot to return the knife at the time and later mailed back to Mr. Davis (according to the report the knife was not returned personally due to the fact Mr. Davis had already filed his personnel complaint against the officers).

As the interview with Mr. Davis continued, he repeatedly accused various officers of falsifying reports and racist behavior. He increasingly became more and more argumentative with me during my questioning of him. He then began showing me photographs of a stop sign at the corner of Arrowhead and Park Street. He claimed officers were writing illegal citations at the location due to the fact there is no limit line. I advised him that he needed to re-read the vehicle code as it pertains to stop signs and he argued that I did not know the vehicle code and that officers were wrong.

During the entire interview, Mr. Davis was unable to produce any evidence or facts to prove that Sgt. Celli had taken part in any of the allegations that Mr. Davis was making against him. It was apparent that Mr. Davis had his own opinion on the issues and refused to waiver from them or discuss them in any "real" manner. At one point he told me that I could either admit that the problems were occurring or that I could "go down with the rest of them". I finally decided to conclude the interview at which point Mr. Davis began accusing me of misconduct as well.

I later downloaded a copy of the interview to a CD which has been placed in this case file.

On 1-19-07, Sgt. Celli Agreed to allow me to take pictures of both his arms and his tattoos. Sgt. Celli, who is a member of the Iron Pigs Motorcycle Club (made up mainly of police officers and firefighters), had a tattoo of the Iron Pigs logo on his right shoulder. Just below the logo is a tattoo of his daughter's name (Kristen). Below that is another Iron Pigs tattoo. On the back of his right arm are the letters N F T B. According to Sgt. Celli, this stands for the motto "Never Forget the Brotherhood" which is dedicated to those professionals who lost their lives during the September 11th attacks. Sgt. Celli's left arm was found to be free of any markings or tattoos.

Sgt. Celli was quick to note that the Iron Pigs Motorcycle Club has never been a criminal street gang. He showed me a copy of the club's By-Laws which clearly state that membership "Shall not be based on race, sex, religion and creed". He added that this is not a "white hate" or "white pride" group and that there are a large amount of non-white members including whole chapters that are strictly made up of black professionals.

The pictures of his arms and of the noted By-Laws have been printed out and attached to this investigation. Also attached is a portion of the Iron Pigs' website which details membership and some of the history of the club. I also located the attached web page "neverforget.ca". The page is dedicated to the firefighters and police officers who lost their lives on September 11th and has the following phrase highlighted "We owe it to them and to their brothers to never forget their sacrifice and what it has taught us". It should also be noted that one of the links on the web site is listed "Life in the Brotherhood" as it pertains to firefighters.

Analysis:

At this time, there is absolutely no evidence or indications that tend to prove that Sgt. Celli has been involved in any of the allegations made by Mr. Davis. Several of the issues raised by Mr. Davis dealt with his dealings with Sgt. Celli on August 2nd and 3rd of 2006 which had already been investigated by Captain Larsen. That investigation was found to be "Unfounded" and without merit. Just as in that case, Mr. Davis has even been unable to properly articulate any facts to back his claims. With the exception of the 911 hang-up call on January 17, 2007, neither he nor his wife has had any personal dealings with Sgt. Celli. Of the two times they had been stopped and issued citations from other officers since the initial complaint (each being issued a citation on 9-27-06 and one on 12-27-06), Sgt. Celli was not the officer who initiated the traffic stop or issued the citations. The fact that they "feel" Sgt. Celli is responsible or has been manipulating other members of the department does not justify this complaint and there is absolutely no evidence to suggest it. Mr. Davis has failed to provide any facts, witnesses or evidence that would prove that Sgt. Celli has been involved in "Racial Profiling, Abuse of Authority, Excessive Ticket Writing, Manipulation of Staff, Falsifying Reports and Hate Crimes".

The Davis's have produced several newspaper articles during the past several months in which they openly claim that the officers of the Clearlake Police Department are corrupt and racist. Their accounts have always been one-sided and have not contained the true facts of their contacts with officers. They have attempted to gather the "community" in an effort to discredit the police department, but have been unsuccessful to this point.

Conclusion:



Sgt. Michael C. Hermann #96